

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Bay State Gas Company

D.T.E. 05-27

**ATTORNEY GENERAL'S MOTION FOR ORAL ARGUMENT BEFORE THE
COMMISSIONERS**

On April 27, 2005, Bay State Gas Company (“Bay State” or “Company”) filed with the Department of Telecommunications and Energy (“Department”) a complex rate case involving nine Company witnesses, and seeking approval of a Performance Based Rate (“PBR”) mechanism, a pension reconciliation mechanism and a new, controversial \$300 million accelerated steel replacement program. The Company already passes along commodity costs of gas through the Cost of Gas Adjustment Clause (“CGAC”). All these programs taken together represent a radical departure from the Department’s established test year approach to setting just and reasonable rates. The proliferation of reconciling mechanisms with frequent and detailed compliance filings will add significantly to the administrative burden of the Department. G. L. c. 164, §94 (investigation required for rate increases). Pursuant to 220 C.M.R. § 1.11(3) the Attorney General requests oral argument before the Commissioners to convey to them the important policy issues raised by the Company’s filing. Permitting oral argument, given the time constraints and complexity of this case, will provide the Attorney General with an opportunity to emphasize key components of his case and more fully advocate on behalf of consumers. G. L. c. 30A, §11.

WHEREFORE: The Attorney General requests that the Department grant him thirty minutes of oral argument, with an additional fifteen minutes of rebuttal time, to present his case directly to the Commissioners two days following the filing of his initial brief.

Respectfully Submitted,

THOMAS F. REILLY

By:_____

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